

### **REMARKS**

This Response and Amendment is filed in response to the Office Action dated February 23, 2007.

Claims 3, 4, 6-17, 19-21, 23, 24, 26-30, and 40-44 are pending in this application upon entry of this Amendment. The Applicant gratefully acknowledges the Examiner's indication that claims 11 and 23 contain allowable subject matter. By this Amendment, claims 3, 4, 6-8, 10, 14-17, 19, 20, 23, 24, and 29 are amended and claims 1, 2, 5, 18, 22, and 25 are cancelled, leaving claims 9, 11-13, 21, 26-28, and 30 unchanged. New claims 40-44 are added by this Amendment. Claims 31-39 were previously cancelled in a response to a Restriction Requirement.

On page 2 of the Office Action, claims 1-10, 12-14, 16-22, and 24-28 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,889,246 issued to Hoffman. On page 4 of the Office Action, claims 15, 29, and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of U.S. Patent No. 6,469,729 issued to Ryan.

By this Amendment, claims 1, 2, 5, 18, 22, and 25 are cancelled, rendering the 35 U.S.C. §102(b) rejection of those claims moot.

Newly-independent claim 3 recites (underlining added for emphasis):

A coder assembly for printing on containers or on labels  
that can be applied to containers, the coder assembly comprising:

a base;

a support member pivotably coupled to the base and  
cantilevered from the base;

a coder supported by the support member and movable  
with the support member relative to the base; and

an adjustment mechanism coupled between the coder and  
the support member and configured to adjust the position of the  
coder with respect to the base;

wherein the adjustment mechanism is operable to move the  
coder along at least one of a substantially horizontal axis and a  
substantially vertical axis without using tools.

Hoffman does not teach or suggest a coder assembly including a base, a support member pivotably coupled to the base and cantilevered from the base, a coder supported by the support member, and an adjustment mechanism coupled between the coder and the support member, in which the adjustment mechanism is operable to move the coder along at least one of a substantially horizontal axis and a substantially vertical axis without using tools. Rather, Hoffman discloses a label maker including a bracket 22, a pivot pin 24 supported at both ends by the bracket 22, an arm 26 selectively fixed to the pivot pin 24, and a cutter 27 rotatably coupled to the arm 26 (see FIG. 3 in Hoffman). To adjust the arm 26 along the pivot pin 24, a screw key 39 is removed from the arm 26, the arm 26 is adjusted to a new position corresponding with a different notch 25 in the pivot pin 24, and the screw key 39 re-inserted to fix the arm 26 to the pivot pin 24 (see page 2, lines 80-86 in Hoffman).

On page 2 of the Office Action, with respect to independent claim 1, the Examiner states that Hoffman discloses "...a base (reference 22); a support member movably coupled to the base (reference 24); [and] a coder supported by the support member and movable with the support member relative to the base (reference 27-28)." The Applicant respectfully submits that the "support member" identified by the Examiner (reference 24 in Hoffman) is not cantilevered from the base (reference 22 in Hoffman), as claimed by the Applicant in amended, newly-independent claim 3. Rather, the bracket 22 supports both ends of the pivot pin 24 (see FIG. 3 in Hoffman). Hoffman fails to teach or suggest that the pivot pin 24 can be cantilevered from the bracket 22.

In addition, with respect to claim 2, the Examiner states that Hoffman discloses "...an adjustment mechanism coupled between the coder and the support member...(reference 26)." The Applicant respectfully submits that the "adjustment mechanism" identified by the Examiner (reference 26 in Hoffman) is not operable to move the coder (reference 27 in Hoffman) along at least one of a substantially horizontal axis and a substantially vertical axis without using tools, as claimed by the Applicant in amended, newly-independent claim 3. Rather, as discussed above, the screw key 39 must be removed from the arm 26 before the arm 26 is re-positioned to a different notch 25 in the pivot pin 24. The Applicant respectfully submits that the screw key 39, which is shown in cross-section in FIG. 2 of Hoffman, is almost entirely recessed within the arm

26, such that some form of hand tool must be utilized to access the head of the screw key 39 to remove it. Hoffman fails to teach or suggest that the arm 26 can be adjusted along the pivot pin 24 without using tools.

Even if the Examiner were to consider the arm 26 disclosed in Hoffman as the “support member” claimed by the Applicant in amended, newly-independent claim 3, Hoffman does not teach or suggest an adjustment mechanism coupled between the coder and the support member, in which the adjustment mechanism is operable to move the coder along at least one of a substantially horizontal axis and a substantially vertical axis without using tools. The Applicant respectfully submits that reading the claimed “support member” on the arm 26 and the claimed “coder” on the cutter 27 necessitates the consideration of the rivet or screw (see FIG. 3 in Hoffman) about which the cutter 27 is rotatably supported as the claimed “adjustment mechanism.” Hoffman fails to teach or suggest that the rivet or screw about which the cutter 27 is rotatably supported can function in any other way but to permit rotation of the cutter 27 about the axis of the rivet or screw.

Accordingly, the Applicant submits that amended, newly-independent claim 3 is allowable in view of Hoffman, and respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of claim 3.

Claims 4, 6-16, and 43 are each ultimately dependent upon amended, newly-independent claim 3, and are allowable based upon newly-independent claim 3 and upon other features and elements claimed in claims 4, 6-16, and 43 but not discussed herein.

Amended independent claim 17 recites (underlining added for emphasis):

A coder assembly for printing on containers or on labels  
that can be applied to containers, the coder assembly comprising:

a base;

a support member movably coupled to the base;

a coder supported by the support member and movable  
with the support member relative to the base; and

a plurality of abutment members between the support  
member and the base, wherein the abutment members are

configured to limit the spacing between the support member and the base;

wherein a first abutment member spaces the support member from the base in a first operating position, and wherein a second abutment member spaces the support member from the base in a second operating position.

Hoffman does not teach or suggest a coder assembly including a base, a support member movably coupled to the base, a coder supported by the support member, and a plurality of abutment members between the support member and the base configured to limit the spacing between the support member and the base, in which a first abutment member spaces the support member from the base in a first operating position, and in which a second abutment member spaces the support member from the base in a second operating position. Rather, Hoffman discloses that the pivot pin 24 (identified by the Examiner as the claimed “support member”) is supported at both ends and at a fixed distance from the base plate of the bracket 22 (identified by the Examiner as the claimed “base”) by respective flanges (not labeled, see FIG. 4 in Hoffman). Hoffman fails to teach or suggest any abutment members operable to space the pivot pin 24 from the bracket 22 at two different operating positions as claimed in amended claim 17.

Accordingly, the Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of independent claim 17.

Claims 19-21, 23, 24, 26-30, and 44 are each ultimately dependent upon amended independent claim 17, and are allowable based upon independent claim 17 and upon other features and elements claimed in claims 19-21, 23, 24, 26-30, and 44 but not discussed herein.

New claim 40 recites (underlining added for emphasis):

A coder assembly for printing on containers or on labels  
that can be applied to containers, the coder assembly comprising:  
a base;  
a support member movably coupled to the base;  
a coder supported by the support member and movable  
with the support member relative to the base; and

a latch mechanism selectively locking the support member to the base so that the support member is substantially immovable with respect to the base.

Hoffman does not teach or suggest a coder assembly including a base, a support member movably coupled to the base, a coder supported by the support member, and a latch mechanism selectively locking the support member to the base so that the support member is substantially immovable with respect to the base. Rather, Hoffman discloses that the pivot pin 24 (identified by the Examiner as the claimed “support member”) is axially secured to the bracket 22 (identified by the Examiner as the claimed “base”) by a collar at the upper end of the pivot pin 24 and an arm 29 at the lower end of the pivot pin 24 (see FIG. 3 in Hoffman).

On page 3 of the Office Action with respect to claims 8 and 20, the Examiner identifies the screw 36 securing the arm 29 to the lower end of the pivot pin 24 as the claimed “latch mechanism.” The Applicant respectfully submits that the screw 36 does not lock the pivot pin 24 to the bracket 22 so that the pivot pin 24 is substantially immovable with respect to the bracket 22. Indeed, the screw 36 merely prevents the pivot pin 24 from moving vertically with respect to the bracket 22. The screw 36 does not prevent the rotation of the pivot pin 24 with respect to the bracket 22.

Accordingly, the Applicant respectfully requests the allowance of newly-added claim 40.

Newly-added independent claim 41 includes the limitations of objected-to claim 11 and the limitations of the base claim and any intervening claim (originally-filed claims 1 and 10, respectively). As such, newly-added independent claim 41 is allowable.

Newly-added independent claim 42 includes the limitations of objected-to claim 23 and the limitations of the base claim and any intervening claim (originally-filed claims 17 and 22, respectively). As such, newly-added independent claim 42 is allowable.

CONCLUSION

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as amended are in condition for allowance. The Applicant kindly requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,

A handwritten signature in black ink, reading "Richard L. Kaiser". The signature is written in a cursive, flowing style.

Richard L. Kaiser  
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Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Kaiser". The signature is fluid and cursive, with the first name "Richard" being more prominent.

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